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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ARAZ ALALI,

PLAINTIFF,  
07 civ. 2916

-against-

ALBERTO DEBARA, individually, KYLE WILSON,  
individually, EDWARD AUSTIN, individually,  
GEORGE MARSHALL, individually, HUMBERTO  
MORRELL, individually, MATTHEW BRADY,  
individually, ANTHONY MURPHY, individually,  
ROBERT GAZZOLA, Individually, PATRICK J.  
CARROLL, individually and the CITY OF NEW  
ROCHELLE, NEW YORK,

DEFENDANTS.

-----X

DATE: March 14, 2008

TIME: 1:20 p.m.

EXAMINATION BEFORE TRIAL of the  
Plaintiff, ARAZ ALALI, taken by the Defendant,  
pursuant to a Court Order, held at the offices  
of Wilson, Elser, Moskowitz, Edelman & Dicker,  
LLP., 3 Gannett Drive, White Plains, New York,  
before a Notary Public of the State of New  
York.

1

2 A P P E A R A N C E S:

3

4 LOVETT & GOULD, LLP.  
Attorneys for Plaintiff  
5 222 Bloomingdale Road  
White Plains, New York 10605  
6 BY: DRITA NICAJ, ESQ.

7

8

9 WILSON, ELSER, MOSKOWITZ, EDELMAN  
& DICKER, LLP.  
Attorneys for the Defendants  
10 3 Gannett Drive  
White Plains, New York 10604  
11 BY: PETER A. MEISELS, ESQ.  
LALIT K. LOOMBA, ESQ.  
12 File No. 0736700059

13

14 Also present - Kyle Wilson, Edward Austin,  
George Marshall, Humberto Morrell, Matthew  
15 Brady, Anthony Murphy, Robert Gazzola

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25

1 A. Alali

2 A. As a police officer.

3 Q. By whom?

4 A. Amtrak Police Department.

5 Q. How long were you employed by the  
6 Amtrak Police Department?

7 A. Maybe 2 to 3 years.

8 Q. Prior to being employed by the  
9 Amtrak Police Department, how were you  
10 employed?

11 A. I was a student as well as working  
12 at Neiman Marcus.

13 Q. While you were employed by the New  
14 York City Police Department, were you, in your  
15 opinion, ever the victim of discrimination  
16 based upon your heritage?

17 MS. NICAJ: Objection. You can  
18 answer.

19 A. I don't believe so.

20 Q. While you were employed by the New  
21 York City Police Department, were you ever the  
22 subject of civilian complaints?

23 A. Yes.

24 Q. While you were employed by the New  
25 York City Police Department, were you ever

1 A. Alali

2 be it.

3 MS. NICAJ: Okay.

4 Q. Officer Alali, how many civilian  
5 complaints were filed against you when you were  
6 employed by the City of New York Police  
7 Department?

8 MS. NICAJ: You can answer that.

9 A. I don't presently recall.

10 Q. Do you remember the substance of  
11 those civilian complaints that were filed  
12 against you when you were employed by the City  
13 of New York Police Department?

14 A. I don't presently recall.

15 Q. When you applied for your position  
16 with the New Rochelle Police Department, did  
17 you disclose that you had been the subject of  
18 civilian complaints?

19 MS. NICAJ: Objection. You can  
20 answer.

21 A. Whatever was asked on the  
22 application, I answered truthfully and  
23 honestly.

24 Q. Do you presently recall the outcome  
25 of any of those civilian complaints that were

1 A. Alali

2 lodged against you when you were employed by  
3 the City of New York Police Department?

4 MS. NICAJ: Objection. You can  
5 answer.

6 A. None of those complaints were  
7 substantiated.

8 Q. I am sorry, could you read back the  
9 answer?

10 (Whereupon, the referred to answer  
11 was read back by the Reporter.)

12 Q. Do you remember how many complaints  
13 were not substantiated?

14 A. All of the complaints.

15 Q. Do you remember how many that was?

16 A. I don't presently recall.

17 Q. Was it more than 5?

18 A. I don't presently recall.

19 Q. Do you recall whether those  
20 complaints related to traffic stops?

21 A. Perhaps.

22 MS. NICAJ: Don't guess. If you  
23 don't know, let him know.

24 A. I don't know. That was a long time  
25 ago.

1 A. Alali

2 Q. Do you recall whether any of those  
3 complaints involved allegations that you were  
4 rude or discourteous to people you had stopped?

5 MS. NICAJ: Objection. You can  
6 answer.

7 A. No.

8 Q. Let me understand your answer.  
9 Your answer is you don't recall if it did or it  
10 didn't?

11 A. I do not recall if it did or it  
12 didn't.

13 Q. While you were employed by the  
14 Amtrak police, were you suspended?

15 MS. NICAJ: I am directing him not  
16 to answer that.

17 Q. While you were employed by the  
18 Amtrak police, were you the subject of any  
19 civilian complaints?

20 MS. NICAJ: I direct him not to  
21 answer that.

22 Q. While you were employed by the  
23 Amtrak police, were your duties modified for  
24 disciplinary reasons?

25 MS. NICAJ: I direct him not to

1 A. Alali

2 Q. Is it your contention that no  
3 person of Hebrew descent has ever been employed  
4 by the New Rochelle Police Department?

5 A. No.

6 Q. It is your contention that no  
7 person of middle eastern descent has ever been  
8 employed by the New Rochelle Police Department?

9 MS. NICAJ: Objection. You can  
10 answer.

11 A. No.

12 Q. Are you aware of circumstances  
13 where people of middle eastern descent have  
14 been employed by the New Rochelle Police  
15 Department?

16 A. No one of Iraqi national descent  
17 has ever been employed by the New Rochelle  
18 Police Department.

19 Q. What is the basis of your belief  
20 that no person of Iraqi national descent has  
21 ever been employed by the New Rochelle Police  
22 Department?

23 A. I have asked -- I have asked and  
24 have been told that no one of middle east  
25 descent has ever been employed.

1 A. Alali

2 Q. But do you know whether they did or  
3 they didn't?

4 A. Without any type of documentation  
5 to refresh my memory, I couldn't be 100 percent  
6 certain, but it would be likely that he did.

7 Q. The first thing that you  
8 mentioned was -- let me back up a minute. Do  
9 you know whether or not Lieutenant Debara was  
10 ever aware that you had filed an EEOC charge?

11 A. I don't presently recall.

12 Q. Do you know whether or not  
13 Lieutenant Debara was ever aware that you had  
14 filed that first lawsuit?

15 A. Yes.

16 Q. And what do you believe that to be?

17 MS. NICAJ: Objection. You can  
18 answer.

19 Q. I will rephrase the question. What  
20 is the basis of your belief?

21 A. He told me.

22 Q. When did he do that?

23 A. After the filing of the lawsuit.

24 Q. What did, in words or substance,  
25 what did he say to you?



1 A. Alali

2 A. In words or substance, that he  
3 could not believe that I was filing a lawsuit  
4 against him. He thought that it would be on a  
5 friendly basis.

6 Q. Isn't it a fact, Officer Alali,  
7 that he isn't a defendant in the first lawsuit?

8 MS. NICAJ: Objection.

9 A. I thought you are referring to the  
10 second lawsuit.

11 Q. I am talking about the first  
12 lawsuit. Let me clarify. Do you know whether  
13 or not Lieutenant Debara was aware of the first  
14 lawsuit that you brought?

15 A. Yes.

16 Q. What is the basis of your belief?

17 A. I told him.

18 Q. When did you do that?

19 A. I believe one of the times that we  
20 had discussed it was when he assigned me to a  
21 fixed hospital post, and I advised him of that  
22 I believe what he was doing was harassment, and  
23 I also further advised him that a lawsuit had  
24 been filed.

25 Q. Can you tell me in words or

1 A. Alali

2 THE WITNESS: Okay.

3 A. Okay.

4 Q. Has the review of the complaint  
5 refreshed your recollection as to what was said  
6 to you when you received the assignment to the  
7 hospital post from Lieutenant Debara?

8 A. Yes.

9 Q. Could you tell us in words or  
10 substance what he said to you and what, if  
11 anything, you said to him?

12 A. On that date, Lieutenant Debara  
13 assigned me at roll call to the hospital post.  
14 Subsequently a few months after receiving that  
15 post, I went to the desk where Sergeant Wilson  
16 was working, and I asked him, you know, why I  
17 had received that post due to the fact there  
18 were probationary officers several of them  
19 working that day. He was very irate that I had  
20 asked him that question and stated in sum or  
21 substance get the fuck out of my face, whereas  
22 not another word in the presence of several  
23 civilian members of service.

24 Q. Did you ask Lieutenant Debara why  
25 you had received the post?

1 A. Alali

2 A. Yes. I then was at the hospital  
3 post where Lieutenant Debara came by to give  
4 me -- I clearly remember this -- give you a  
5 meet and scratch my notebook and stated that,  
6 you know, that I would -- that he did it  
7 because he can, and that from now on, I would  
8 be watching suicidal prisoners, if there was  
9 one, directing traffic, working at a utility  
10 car, and going to the county jail. On that  
11 day, there was a sign-in sheet at the hospital.  
12 I do remember that there was probationary or  
13 junior officers, new officers that were there  
14 prior to me, and then I was subsequently  
15 relieved by a probationary or junior officer.

16 Q. Now, in reference to --

17 A. And also I remember memorializing  
18 that conversation in writing to the internal  
19 affairs officer, obviously we just have one,  
20 Lieutenant James Fortunato to investigate the  
21 matter.

22 Q. Is it correct that, when you  
23 received that assignment to the hospital post  
24 from the Lieutenant Debara, that you told him  
25 about your first lawsuit, is that correct?

1 A. ALALI

2 MS. NICAJ: I did. Thank you.

3 Q. Officer Alali, before we broke  
4 we were discussing negative comments made  
5 by various people and you mention a comment  
6 made by Lieutenant DeBara, Sergeant Austin  
7 and Sergeant Wilson. In the time period  
8 that we were discussing, the first six  
9 months of 2007, did any other people make  
10 comments to you that you believed were  
11 derogatory?

12 MS. NICAJ: Apart from what  
13 he's already testified?

14 MR. MEISELS: Correct.

15 MS. NICAJ: With respect to  
16 also the first day of the deposition?

17 MR. MEISELS: Absolutely.

18 A. April 2007 Sergeant Morrell,  
19 Sergeant Austin had advised me that I was  
20 to be given undesirable assignments, given  
21 below standards evaluation. That was at  
22 the direction they stated of Lieutenant  
23 Marshall and Captain Gazzola.

24 Aside from that what I  
25 previously testified to. I don't recall

1 A. Alali

2 A. I don't presently recall what I  
3 told him.

4 Q. You had mentioned earlier an  
5 assignment that you received to double parking  
6 during a period of time of February to April  
7 2007, am I correct?

8 A. If I did, what -- I don't remember  
9 the date I was assigned to that, but I was  
10 giving specific examples of what Debara had  
11 directly supervised me giving me specific tasks  
12 to do. One of those tasks did encompass double  
13 parking on Main Street and North Avenue where I  
14 had written many tickets. I don't know if it  
15 was a period of time that you are specifically  
16 speaking about, but.

17 Q. And is that an assignment that you  
18 received directly from Lieutenant Debara?

19 A. Yes. He had called me in the  
20 office stated that there was a condition that  
21 Commissioner Carroll wanted alleviated and that  
22 I would be the right man for that job, and I  
23 believe I wrote this document, I don't know the  
24 dates, but hundreds of summons were written  
25 when he had me doing that assignment.

1 A. Alali

2 had caused me tremendous anxiety and stress  
3 that I had gone home sick, and subsequently,  
4 Sergeant Morrell had come down the hall and  
5 said that -- and laughed and said that he was  
6 just joking, I didn't have to take a foot post  
7 in the snow that day, utilize a car, I could  
8 utilize a car; however, the events were so  
9 stressful, that caused me to be very anxious  
10 that I couldn't continue my tour of duty.

11 Q. The events were so stressful you  
12 couldn't continue your tour of duty, is this on  
13 March 7th?

14 A. That is correct.

15 Q. So, am I correct that you never  
16 actually went on that foot post?

17 A. No. After being told by Lieutenant  
18 Debara those racial remarks and then being told  
19 again by Sergeant Morrell that I wasn't above  
20 scrutiny, to bundle up in a sarcastic voice, it  
21 would be unfair for me to go out and complete  
22 my tour of duty which was the cause of  
23 tremendous anxiety and stress.

24 Q. What was there about being told  
25 that you are not above scrutiny that was so

1 A. Alali

2 MS. NICAJ: That is fine.

3 Q. Officer Alali, can you tell me  
4 words or substance what Mr. Hayes told you  
5 about any conversations he had with the  
6 Commissioner concerning settlement of the  
7 lawsuits?

8 MS. NICAJ: Objection. Don't  
9 answer that.

10 Q. Officer Alali, are you aware of any  
11 information based upon which you understand  
12 that Sergeant Wilson was aware that you had  
13 filed an EEOC charge?

14 A. Yes. Due to the fact that my  
15 assignment immediately after filing the EOC  
16 charge had changed from the punitive  
17 assignments that I mentioned of dispatcher,  
18 suicidal prisoners -- well as far as -- let me  
19 back up. What happened, I will call that a  
20 magical day. That day a lot had happened after  
21 the EOC. When I returned to work after the  
22 EOC, I was no longer working punitive  
23 assignments. I had shortly thereafter a stack  
24 of frivolous disciplinary charges handed to me  
25 after the EOC, and I was working in the

1 A. Alali

2 capacity I believe at the time of that North  
3 Avenue traffic corridor. I don't know -- but I  
4 do remember being, I can't be with 100  
5 certainty, but I had that assignment, but I do  
6 know with 100 certainty that --

7 MS. NICAJ: I would like to take a  
8 break. Are you done with your response?  
9 A. Yes.

10 (Short recess).

11 MS. NICAJ: I want the record to  
12 reflect that I called you a couple of  
13 minutes prior to lunch to advise you  
14 that due to a prior commitment in  
15 Brooklyn at the Appellate Division, that  
16 I would be a couple of minutes late.

17 MR. MEISELS: You did.

18 MS. NICAJ: If I am not mistaken, I  
19 was here about 5 after 1.

20 MR. MEISELS: Then you spoke with  
21 your client and I had no objection to  
22 that, either.

23 MS. NICAJ: I spoke to my client a  
24 whole of 5 minutes.

25 MR. MEISELS: Why don't we find out



1 A. Alali

2 Q. When you spoke to Mr. Hayes about  
3 some of these evaluations, can you tell me in  
4 words or substance what you said to him and  
5 what he said to you?

6 A. He clearly saw the same issues that  
7 I saw with these performance evaluations. He  
8 instructed me on the departmental guidelines on  
9 how to request a review of the evaluation and  
10 upon his direction, I did so.

11 Q. Was Lieutenant Marshall ever your  
12 indirect supervisor?

13 A. Yes.

14 Q. When was that?

15 A. Since I started with the New  
16 Rochelle Police Department, he was the rank of  
17 sergeant.

18 Q. Do you know whether or not he was  
19 ever aware that you had filed an EEOC charge?

20 A. I don't presently recall.

21 Q. Do you know whether or not he was  
22 ever aware that you filed your first lawsuit?

23 A. I don't presently recall.

24 Q. Do you know whether or not he  
25 participated in any decision relating to any of

1 A. Alali

2 courses successfully completed. So am I  
3 correct that you made this request pursuant to  
4 the contract?

5 A. That is right.

6 Q. And at the time you made the  
7 request, it was your understanding that part or  
8 all of the fees would be paid?

9 A. That is correct.

10 Q. But only in connection with courses  
11 that were successfully completed?

12 A. Which everyone of mine were, yes.

13 Q. Am I correct that before any  
14 reimbursement check would be written, the  
15 courses would have could to be completed?

16 A. Basically, to my understanding,  
17 that there was an agreement between the college  
18 and the department that the officer would  
19 enroll and payment would be deferred to the  
20 completion or the end of whatever the budgeting  
21 was. It was not demanded at the time of  
22 enrollment.

23 Q. Payment would come after the  
24 courses were taken?

25 A. Correct.

1 A. Alali

2 Q. And the payment could be part or  
3 all of the amount of tuition that was paid?

4 A. Correct.

5 Q. It could be part?

6 A. Correct.

7 Q. And is it your understanding that  
8 Commissioner Carroll approved your  
9 participation in the program back in November  
10 of 2005?

11 A. Yes.

12 Q. Was that for the winter trimester  
13 of 2005?

14 A. Yes.

15 Q. Can you explain what, as you  
16 understand it, what do understand the term  
17 trimester to mean?

18 A. Trimester is a program that Iona  
19 College has. Basically what it states try, 3  
20 times a year, and so you go 3 times a year as  
21 opposed to twice a year.

22 Q. Does that mean that the year is  
23 divided into 3 parts of 4 months each or?

24 A. Honestly I don't know how budgeting  
25 is done. I just know that you are able to go

1 A. Alali

2 this bill?

3 A. No, I don't. It states fall of  
4 2006. I would assume it's after the fall 2006.

5 Q. Referring to the top left-hand  
6 corner of the page where it says invoice period  
7 fall 2006, due date past due, do you see that?

8 A. I am sorry?

9 Q. On the upper left-hand corner of  
10 the page, it has your name, your account,  
11 number statement --

12 A. I see.

13 Q. -- and it says past due.

14 A. Yes.

15 Q. When you received this bill, did  
16 you make any inquiry as to what was past due?

17 A. I believe the inquiry I made was to  
18 the PBA president Hayes of what was past due.  
19 I don't believe I contacted the college  
20 regarding this past due bill.

21 Q. What did Mr. Hayes tell you?

22 A. That he was speaking to the Deputy  
23 Commissioner and get back to me.

24 Q. Is it your understanding that the  
25 bills that you received from Iona cover both

1 A. Alali

2 the portion of the tuition that would be paid  
3 by the city as well as the portion that you  
4 were responsible for?

5 A. The portion that I'm responsible  
6 for obviously would not be paid by the city.  
7 It would be paid by myself.

8 Q. The bills cover both?

9 A. No.

10 Q. This bill is only covering the part  
11 you are responsible for?

12 MS. NICAJ: Objection. You can  
13 answer.

14 A. That is what I don't know. You can  
15 look at this. I don't know what is what.

16 Q. I am going to show you what is  
17 premarked Defendant's Exhibit N for  
18 identification and ask if you can identify that  
19 document?

20 A. Yes.

21 Q. Is that your request for tuition  
22 reimbursement for the spring trimester of 2007?

23 A. Yes.

24 Q. Was it granted?

25 A. Yes.

1 A. Alali

2 C E R T I F I C A T E

3 STATE OF NEW YORK )  
4 : SS.:  
5 COUNTY OF KINGS )  
6

7 I, SARI SERBER, a Notary Public for and  
8 within the State of New York, do hereby  
9 certify:

10 That the witness whose examination is  
11 hereinbefore set forth was duly sworn and that  
12 such examination is a true record of the  
13 testimony given by that witness.

14 I further certify that I am not related  
15 to any of the parties to this action by blood  
16 or by marriage and that I am in no way  
17 interested in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set  
19 my hand this 19th day of March, 2008.  
20

21   
22 \_\_\_\_\_  
SARI SERBER  
23  
24  
25

# **PART II**

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X  
5 ARAZ ALALI,

6 PLAINTIFF,

7 -against-

Case No:  
07 CIV. 1916

8 ALBERTO DeBARA, Individually, KYLE WILSON,  
9 Individually, EDWARD AUSTIN, Individually,  
10 GEORGE MARSHALL, Individually, HUMBERTO  
11 MORRELL, Individually, MATTHEW BRADY,  
Individually, ANTHONY MURPHY, Individually,  
PATRICK J. CARROLL, Individually and the  
CITY OF NEW ROCHELLE, NEW YORK,

12 DEFENDANTS.  
13 -----X

14 DATE: April 4, 2008

15 TIME: 11:15 A.M.

16 CONTINUED EXAMINATION BEFORE

17 TRIAL of the Plaintiff, taken by the  
18 Defendants, pursuant to a Court Order and  
19 to the Federal Rules of Civil Procedure,  
20 held at the offices of Wilson, Elser,  
21 Moskowitz, Edelman & Dicker, LLP, 3 Gannett  
22 Drive, White Plains, New York 10604, before  
23 Veronica R. Harris, a Notary Public of the  
24 State of New York.

25



1

2 A P P E A R A N C E S:

3

4 LOVETT & GOULD, LLP  
5 Attorneys for the Plaintiff  
6 222 Bloomingdale Road  
White Plains, New York 10605  
BY: DRITA NICAJ, ESQ.

7

8

9 WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER, LLP  
10 Attorneys for the Defendants  
3 Gannett Drive  
White Plains, New York 10604  
11 BY: PETER A. MEISELS, ESQ.  
File #: 07367.00059

12

13

14 ALSO PRESENT:

15 Kyle Wilson  
Edward Austin  
16 George Marshall  
Humberto Morrell  
17 Matthew Brady  
Robert Gazzola  
18 Lalit Loomba

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25

1 A. ALALI

2 enrolled at Iona College?

3 A. I presently don't remember.

4 Q. Referring to the first six  
5 months of 2007, did you receive a job  
6 evaluation from the New Rochelle Police  
7 Department?

8 A. I believe so. I believe that I  
9 been rated falsely below standards in the  
10 procedures. Every six months you get  
11 reevaluated with another performance  
12 evaluation. So I believe 2007 would be no  
13 different than previous years.

14 I also would like to make a  
15 correction. I want to get the record  
16 clear. I think it's important to have the  
17 record clear, that regarding my previous  
18 testimony with Lieutenant Al DeBara, that  
19 there was regarding the hospital post that  
20 I was assigned to on February 21, 2007 when  
21 he had the availability of what  
22 probationary officers. However, he  
23 assigned me to that hospital post.  
24 Lieutenant -- that was the same day of the  
25 first federal complaint and after the

1 A. ALALI

2 filing of the EEOC that he had placed me on  
3 that fixed hospital post. He had -- that  
4 was the same day that I had asked the desk  
5 officer Sergeant Wilson on why myself  
6 instead of four probationary officers to be  
7 placed on the hospital post. And in the  
8 presence of numerous civilian members he  
9 had stated, "Get the fuck out of my face,  
10 not another fucking word. Get out of my  
11 face." At which point I obviously went to  
12 the hospital and was on a fixed hospital  
13 post in New Rochelle Hospital.

14 Lieutenant DeBara subsequently  
15 came by the hospital and had told me that I  
16 would be receiving assignments primarily as  
17 a utility call, which is a degrading  
18 assignment usually given to junior officers  
19 or officers that are on punishment and  
20 other assignments, such as directing  
21 traffic. Such as watching suicidal  
22 prisoners. Such as doing county jail  
23 escorts and doing civilian work inside the  
24 radio room.

25 I was subsequent relieved by a

1 A. ALALI

2 March 7th is when Lieutenant DeBara then  
3 and that's after obviously the first  
4 federal complaint, had placed me on a foot  
5 patrol in the snow. And then when I asked  
6 him, I made inquire why I versus other  
7 probationary officers will be getting that,  
8 that's when he made that bias comment that  
9 we can put you anywhere we want Bin Laden.

10 I want the record to be clear  
11 on that, on the date of -- on  
12 February 21st, it was after the EEOC filing  
13 on the federal when they were notified of  
14 the federal complaint. That DeBara had put  
15 me on that fixed hospital post. And I  
16 illustrated that's the assignment usually  
17 given to probationary officers as I stayed  
18 on the unit, that Police Officer Kenny who  
19 was either a junior probationary officer  
20 was assigned to a fixed hospital post. I  
21 just want that to be very clear.

22 Q. Is there anything else that you  
23 want to clarify?

24 A. Yes. Also, on April 7, 2007, I  
25 was assigned to the radio room by Sergeant

1 A. ALALI

2 Austin and I basically and there was  
3 availability that week of at least three to  
4 four probationary junior officers that  
5 could have been given that assignment,  
6 however were not. When I made the inquire  
7 of him why I was being placed on that  
8 assignment, he basically in a laughing way  
9 stated that we're going -- it looks like we  
10 are going back to the good old days.  
11 Followed by a statement added by Sergeant  
12 Brady that I better get lunch at 8:00  
13 because I won't be able to leave the radio  
14 room. Good luck.

15 Q. And this was April 7th of what  
16 year?

17 A. 2007.

18 Q. May I ask you about assignments  
19 relating to directing traffic.

20 Is that an assignment that's  
21 often fulfilled by police officers?

22 A. Well, directing traffic, if  
23 there is a severe -- serious car accident  
24 or a situation that require police officer  
25 to direct traffic, such as serious police

1 A. ALALI

2 There was April 8, 2007, was when Sergeant  
3 Wilson had directed me to perform civilian  
4 dispatching functions, although  
5 approximately three to four other junior  
6 probationary officers available. When I  
7 asked him and questioned him why I was  
8 being placed as dispatch rather than the  
9 other officers, his response was it's  
10 Easter and you're an Arab, camel jockeys  
11 don't celebrate Easter.

12 Q. Other than what you already  
13 testified to, were any other comments made  
14 to you that caused you to leave duty on the  
15 basis of illness?

16 MS. NICAJ: Objection.

17 You can answer.

18 A. In the first six months of  
19 2007?

20 Q. Correct.

21 A. I don't presently recall at  
22 this time.

23 However, there were, you know,  
24 the Debara's comments in February 2007.  
25 Sergeant Austin's comments in April 20,

1 A. ALALI

2 Austin's comment, what comment was that?

3 A. I stated on April 7, 2007. I  
4 was given that civilian dispatching  
5 assignment again and I already told you  
6 what his comment was.

7 Q. And where were you at the time  
8 you had that conversation with Sergeant  
9 Austin?

10 A. Inside the communications room.

11 Q. And do you recall approximately  
12 what time that occurred?

13 A. Right after -- on or about  
14 8:00.

15 Q. Now, earlier you referenced a  
16 comment made by Sergeant Wilson?

17 A. Yes.

18 Q. What comment was that? What  
19 did Sergeant Wilson say?

20 A. I just told you.

21 Q. Well, we were at Sergeant  
22 Austin.

23 MS. NICAJ: Objection. He did  
24 tell you previously. But go ahead.

25 A. I would tell you again. I will

1 A. ALALI

2 talk nice and slow. On April 8, 2008,  
3 Sergeant Wilson -- correction on April 8,  
4 2007, not 2008, 2007, Sergeant Wilson had  
5 assigned me to work as a dispatcher. At  
6 that point in time I asked him why I was  
7 receiving that assignment rather than other  
8 probationary officers who were available.  
9 Okay, and he had told me that I'm an Arab  
10 and it's Easter and camel jockeys don't  
11 celebrate Easter.

12 Excuse me for a second.

13 Off the record.

14 (Whereupon, an off-the-record  
15 discussion was held.)

16 MS. NICAJ: As I did last --  
17 the first date of Mr. Alali's  
18 deposition transcript, I'm going to  
19 request a copy on his behalf so he  
20 could review and make my changes or  
21 corrections he deems fit.

22 MR. MEISELS: And I would  
23 suggest that you make arrangements  
24 with the Stenographer. I am sure she  
25 would be glad to accommodate you.



1 A. ALALI

2 MS. NICAJ: I did. Thank you.

3 Q. Officer Alali, before we broke  
4 we were discussing negative comments made  
5 by various people and you mention a comment  
6 made by Lieutenant DeBara, Sergeant Austin  
7 and Sergeant Wilson. In the time period  
8 that we were discussing, the first six  
9 months of 2007, did any other people make  
10 comments to you that you believed were  
11 derogatory?

12 MS. NICAJ: Apart from what  
13 he's already testified?

14 MR. MEISELS: Correct.

15 MS. NICAJ: With respect to  
16 also the first day of the deposition?

17 MR. MEISELS: Absolutely.

18 A. April 2007 Sergeant Morrell,  
19 Sergeant Austin had advised me that I was  
20 to be given undesirable assignments, given  
21 below standards evaluation. That was at  
22 the direction they stated of Lieutenant  
23 Marshall and Captain Gazzola.

24 Aside from that what I  
25 previously testified to. I don't recall

1 A. ALALI

2 presently anything else in those six  
3 months.

4 Q. Earlier today you discussed  
5 circumstances relating to reimbursement for  
6 your tuition for the school year of 2006,  
7 when did you apply for that reimbursement?

8 A. When the time period I was  
9 supposed to apply and that's prior to  
10 going -- taking the classes.

11 Q. Isn't it required that you  
12 actually pass the classes and prove that  
13 you've done that before you are entitled to  
14 the reimbursement?

15 MS. NICAJ: Objection.

16 You can answer.

17 A. The reimbursement for Iona  
18 College on the trimester system is  
19 different than, I believe other colleges,  
20 being that the trimester breaks it down to  
21 three times a year. I don't know how  
22 deputy commissioner handles the budgeting  
23 of that. I know that the payment is made  
24 after the successful completion and a grade  
25 of a C or higher. Which I've always had

1 A. ALALI

2 Q. And do you recall the dates  
3 that happened?

4 A. I do not.

5 Q. In reference to the first six  
6 months of 2007, would it be fair to say  
7 that you reported sick while on duty more  
8 than seven times? \_\_\_\_\_

9 MS. NICAJ: Objection.

10 You can answer.

11 A. I don't presently recall, but  
12 that was approximately that amount,  
13 possibly a few days more.

14 Q. Would it be fair to say for the  
15 first six months of 2007 you reported sick  
16 for the full day at least six times?

17 MS. NICAJ: Objection.

18 You can answer.

19 A. I don't presently recall.

20 Q. Do you recall having called in  
21 sick, taking a full day at any time during  
22 the first six months of 2007?

23 MS. NICAJ: Objection.

24 You can answer.

25 A. Repeat the question please.

1 A. ALALI

2 Q. Sure.

3 Do you recall having called in  
4 sick and taking off a full day at any time  
5 during the first six months of 2007?

6 MS. NICAJ: Objection.

7 You can answer.

8 A. I don't presently recall.

9 Q. On the occasions where you went  
10 home sick after having started your tour of  
11 duty, were those all occasioned by comments  
12 that were made by other people in the  
13 department?

14 MS. NICAJ: Objection.

15 You can answer.

16 A. They were either comments made  
17 or assignments, degrading assignments that  
18 were given.

19 Q. Other than the assignments that  
20 we've already discussed both this morning  
21 and at the first part of your deposition,  
22 did you receive any other assignments  
23 during the first six months of 2007 that  
24 you perceive to be degrading?

25 A. I believe I covered all the

1 A. ALALI

2 off the track.

3 Referring to the first six  
4 months of 2007, do you have any basis to  
5 believe that Sergeant Austin was aware that  
6 you had filed an EEOC charge?

7 A. As I stated -- I believe, I  
8 answered that question in my last meeting  
9 with you. The EEOC charge was filed in the  
10 beginning of 2007. The first federal  
11 complaint was filed on February 21, 2007,  
12 so they were all notified of the filing of  
13 the EEOC, as well as the federal complaint.

14 Q. But my question is, what is the  
15 basis for your belief that Sergeant Austin  
16 was aware you had filed an EEOC charge?

17 A. Everyone had known that I filed  
18 an EEOC charge, not just Sergeant Austin,  
19 all supervisors were aware of it and all  
20 civilians were aware of it. All of the  
21 police officers were aware of it. There  
22 were conversations to me regarding that by  
23 many, many people. It was a small  
24 department. It's, you know, news travel  
25 very fast in that place. It's not a large

1 A. ALALI

2 police department. It's like a smaller  
3 precinct.

4 Q. Do you know whether or not  
5 Sergeant Austin was ever aware that you had  
6 filed your first federal complaint?

7 A. Yes.

8 Q. What's the basis for your  
9 belief that he was aware of that?

10 A. He put me on civilian  
11 dispatcher. I was put as a dispatcher.

12 Q. Do you have any other reasons  
13 to believe that he was aware of the filing  
14 of the first complaint?

15 A. Everyone in the radio room when  
16 I was in there was talking about it. He  
17 was desk officer, as well as his other  
18 sergeants. There was no mystery to this,  
19 Mr. Meisels.

20 Q. When did he assign you to the  
21 radio room?

22 A. Many, many times. In '07, many  
23 times. I talked about a date specifically  
24 on 4/7/07, there were other times that I  
25 was assigned. I talked about 4/8/07 when

1 A. ALALI

2 Sergeant Wilson assigned me. There was  
3 numerous times. I previously testified to  
4 the fact that I've been in there for almost  
5 a year.

6 Q. Other than the assignments that  
7 you already discussed today and the first  
8 part of the deposition, did Sergeant Austin  
9 play any role in giving you assignments  
10 during the first six months of 2007 that  
11 you believed were inappropriate?

12 MS. NICAJ: Apart from what  
13 he's already testified to?

14 MR. MEISELS: Right.

15 Q. You don't need to repeat  
16 yourself.

17 A. Just the first six months?

18 MS. NICAJ: The first six  
19 months of 2007.

20 Q. I am referring to the period of  
21 this lawsuit.

22 A. I don't presently recall.

23 Q. Other than what you already  
24 testified to, do you have any basis to  
25 believe that Sergeant Brady was aware that

1 A. ALALI

2 you had filed an EEOC charge?

3 A. I already testified to that.  
4 There's nothing else that I presently have.

5 Q. Other than what you already  
6 testified to, do you have any basis to  
7 believe that Sergeant Brady was aware of  
8 the filing of your first lawsuit?

9 A. No.

10 Q. Other than what you already  
11 testified to, did Sergeant Brady play any  
12 role, as far as you know, in your receipt  
13 of what you thought were inappropriate  
14 assignments?

15 A. First six months of 2007?

16 Q. Correct.

17 A. No, that I presently recall.

18 Q. Other than what you already  
19 testified to, do you have any basis to  
20 believe that Captain Gazzola was aware that  
21 you had filed an EEOC charge?

22 A. He was captain of patrol, he  
23 was notified of the EEOC, as well as all  
24 the supervisory staff was. We can go  
25 individually one by one, but, you know,



1 A. ALALI

2 A. Captain Gazzola, PBA President  
3 Edward Hayes, myself and I am not sure if  
4 Lieutenant Marshall was or not. He might  
5 have been, I am not sure.

6 Q. Where were you when you were  
7 given a copy of the charges?

8 A. In New Rochelle Police  
9 Department, Captain Gazzola's office.

10 Q. And at the time the charges  
11 were preferred, did you have a conversation  
12 with Captain Gazzola?

13 A. I don't presently recall.

14 Q. Do you recall if PBA President  
15 Hayes, had a conversation with Captain  
16 Gazzola?

17 MS. NICAJ: Objection.

18 You can answer.

19 A. I don't presently recall.

20 MR. MEISELS: Off the record.

21 (Whereupon, an off-the-record  
22 discussion was held.)

23 Q. Officer Alali, other than what  
24 you already testified to, that's today and  
25 the first part of your deposition, do you

1 A. ALALI

2 have any other reason to believe that  
3 Sergeant Wilson was aware that you had  
4 filed an EEOC charge?

5 A. No, I presently don't have any  
6 other information.

7 Q. Other than what you already  
8 testified to, do you have any reason to  
9 believe that Sergeant Wilson was aware that  
10 you had filed a lawsuit in February 2007?

11 A. Other than what I just  
12 testified to no --

13 Q. Other than --

14 A. No, I don't presently remember  
15 any other information.

16 Q. Okay.

17 Now, I am going to ask you the  
18 same questions with respect to Lieutenant  
19 Marshall.

20 Other than what you already  
21 testified to, do you have any other reason  
22 to believe that Lieutenant Marshall was  
23 aware that you had filed an EEOC charge?

24 A. I don't have, presently have  
25 any other information.

1 A. ALALI

2 Q. And other than what you already  
3 testified to, do you have any reason to  
4 believe that Lieutenant Marshall was aware  
5 that you had filed a lawsuit in February of  
6 2007?

7 A. Not presently.

8 Q. And in reference to Sergeant  
9 Morrell, other than what you already  
10 testified to, do you have any reason to  
11 believe that Sergeant Morrell was aware  
12 that you had filed an EEOC charge?

13 A. Not presently.

14 Q. Other than what you've already  
15 testified to, do you have any other reason  
16 to believe that Sergeant Morrell was aware  
17 that you had filed a lawsuit in February of  
18 2007?

19 A. Not presently.

20 Q. Did you use anything to refresh  
21 your recollection with before you testified  
22 today?

23 A. The federal complaint.

24 Q. Anything else?

25 A. No.

1  
2 C E R T I F I C A T E  
34 STATE OF NEW YORK )  
5 : SS.:  
6 COUNTY OF KINGS )  
78 I, VERONICA R. HARRIS, a Notary  
9 Public for and within the State of New  
10 York, do hereby certify:11 That the witness whose examination is  
12 hereinbefore set forth was duly sworn and  
13 that such examination is a true record of  
14 the testimony given by that witness.15 I further certify that I am not  
16 related to any of the parties to this  
17 action by blood or by marriage and that I  
18 am in no way interested in the outcome of  
19 this matter.20 IN WITNESS WHEREOF, I have hereunto  
21 set my hand this 8th day of April, 2008.22  
23 Veronica R. Harris  
24 VERONICA R. HARRIS  
25